

Now, it is quite true that Congressman Cellers' bills which have been submitted regularly to the Congress and House since 1951 have generally called for a fifteen percent deviation from the mean. However, in recent times the Senate has been reducing that figure to ten percent, and it appears that if a percentage is ever adopted that ten percent will probably be the percentage agreed upon.

I am not suggesting to you that the prospects of congressional final decision in this area are at hand. In talking to some of the members of the Congress, I think it is fair to say that there will be continued stalemates.

I think it is interesting to note that Congress—that is, the House—has been quite anxious to forestall litigation in this area, and consequently has approached the problem of congressional redistricting both from a temporary point of view and from a permanent.

Congress has attempted, in the House at least, to provide for variations as high as thirty percent, but saying that after 1972 the House figure shall be a fifteen percent one. This has not met with any approval in the Senate, and consequently you have had the stalemate of which I have spoken and which I suspect is going to continue to exist for some time.

Now, we require under the constitutional provision here that there be congressional redistricting in 1972 and every tenth year thereafter. There will be no question, therefore, that the decennial census figures will be at hand for the purpose of determining what the districts shall be.

You will note, too, that we used the identical sentence with respect to natural boundaries and boundaries of political subdivisions. We have required that due regard shall be given to natural boundaries and the boundaries of political subdivisions, but in this particular context we would not allow any deviation over and above the ten percent at all.

I think I should point out here that the special three-judge court, which provided the congressional districts under which we operate today, actually allowed a flexibility of less than two percent of deviation from the mean, so that in setting the ten percent we are in reality providing an additional eight percent within which to redraw congressional districts in 1972.

Now, the Committee decided that we would follow, to some extent, the commis-

sion procedure that we employed in the section on the General Assembly itself. That is to say that the Committee on Legislative Redistricting, which you will remember would contain four members from each party having been designated by the respective party leaders in the House and the Senate, for a total of eight, plus the Governor's appointee, who shall be chairman for the tie-breaker, the ninth party, is the commission which does the redistricting for the General Assembly. This Commission hopefully would gain some stature and prestige and expertise, and therefore we have conferred upon it the duty of initiating congressional districting under 3.03(c). In any year in which there is to be congressional redistricting that commission will submit to the governor, who in turn shall send it to the General Assembly, a plan for congressional redistricting.

Now, we have required that the General Assembly take it and either enact it into law or enact a redistricting plan of its own. We feel that we cannot go any further than this and attempt to confer jurisdiction upon the Court of Appeals or any court whatsoever because of the complications that arise under the constitution.

Ultimately it would appear, as we have pointed out before, that the responsibility for drawing the districts is in the General Assembly, and I do not think it would be wise to put any of that responsibility any place else, although we recognize that the federal courts in Maryland have taken this responsibility on themselves in 1966.

Here I should say with respect to natural boundaries that we would anticipate that one could jump the Chesapeake Bay in order to keep a single congressional district. In this respect we say that we differ from what we have urged with respect to legislative districts, General Assembly districts, where we do not contemplate it would or should be necessary because of the smallness of those areas, or for other reasons as well, but here we would anticipate the possibility of jumping the Bay, if it became necessary, although we believe that when we have said that due regard shall be given to natural barriers this should not be done lightly, that any of these natural barriers should be jumped.

That concludes my comments on congressional districting. We are not scheduled, according to the CONGRESSIONAL QUARTERLY, to get a ninth congressman in 1970, although there does still appear to be some possibility that we could obtain a